

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

<b>GARY LEE STEWART,</b>	)	<b>CV-05-43-BLG-RFC</b>
	)	
<b>Plaintiff,</b>	)	
<b>vs.</b>	)	
	)	
<b>SHERIFF CASTLE; CAPTAIN O’FALLEN</b>	)	<b>ORDER ADOPTING FINDINGS</b>
<b>(ADMINISTRATOR), CASCADE COUNTY</b>	)	<b>AND RECOMMENDATIONS OF</b>
<b>DETENTION FACILITY,</b>	)	<b>U.S. MAGISTRATE JUDGE</b>
	)	
<b>Defendants.</b>	)	
	)	

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On April 13, 2006, United States Magistrate Judge Richard W. Anderson entered his Findings and Recommendation. Magistrate Judge Anderson recommends that Plaintiff’s claims against his conviction be denied on the merits, that Plaintiff’s claims against his revocation should be dismissed for lack of jurisdiction, and that a Certificate of Appealability should be denied.

Upon service of a magistrate judge’s findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, Plaintiff filed objections in the form of a “Application for Certificate of Appealability Answer to Oppose Findings and Recommendations of U.S. Magistrate Judge,” on April 28, 2006. Defendant’s objections are not well taken.

After a de novo review, the Court determines the Findings and Recommendation of Magistrate Judge Anderson (Doc. 9) are well grounded in law and fact and **HEREBY ORDERS** they be adopted in their entirety.

Accordingly, **IT IS HEREBY ORDERED:**

- (1) Plaintiff's claims against his conviction are **DENIED**;
- (2) Plaintiff's claims against his revocation are **DISMISSED**; and
- (3) Plaintiff's request for a Certificate of Appealability is **DENIED**.

The Clerk of Court shall notify the parties of the making of this Order.

DATED this 16th day of May, 2006.

/s/ Richard F. Cebull  
RICHARD F. CEBULL  
UNITED STATES DISTRICT JUDGE

cc:  
Gary Stewart, Pro Se  
Jennifer Anders  
Michael McGrath